

Remarks

The Applicants acknowledge the objection to Claims 21 and 23 – 25 as being in improper form. Those claims have been amended to depend from a single claim and are now believed to be in proper form. Examination on the merits is respectfully requested.

Claims 10 and 11 have been amended to correct typographical errors. No new matter has been added.

Turning now to the merits, the Applicants acknowledge the rejection of Claims 1, 2, 5, 7, 8, 12, 13, 17 – 19 and 22 under 35 U.S.C. §102 as being anticipated by Naka.

The Applicants agree that Naka discloses a moisture-permeable waterproof coated fabric. That fabric is formed from a micro-porous layer 1 and a base fabric 2. This fundamental structure is shown in Fig. 1. An alternative structure is shown in Fig. 2 which includes an adhesive polymer 6 arranged in spaced-apart dotted form between the base fabric 2 and the micro-porous layer 1.

Careful scrutiny of the entire Naka disclosure reveals, however, that there is no disclosure of a resin composition laminated onto a waterproof layer, wherein the resin composition comprises a resin and spherical particles. There is utterly no disclosure concerning spherical particles. To the extent that one might incorrectly attempt to characterize the dots of adhesive polymer 6 as particles, this incorrect interpretation would still fail to disclose the invention as recited in Claims 1, 2, 5, 7, 8, 12, 13, 17 – 19 and 22. This is because the adhesive polymer 6, if improperly interpreted as particles, would not also be contained in a resin. Moreover, as recited in the above-mentioned claims, the resin composition containing the spherical particles lies on the outside of the waterproof layer, not between the waterproof layer and the fabric. Therefore, the Applicants respectfully submit that Naka is utterly inapplicable to Claims 1, 2, 5, 7, 8, 12, 13, 17 – 19 and 22. Withdrawal of the 35 U.S.C. §102 rejection based on Naka is respectfully requested.

Page 3 of the Official Action, at about mid-page, introduces a comment that JP '779 describes the essential limitations of the claimed invention and, therefore, the claims lack novelty. There does not appear to be a separate rejection of specific claims based on JP '799. In order to avoid any appearance of non-responsiveness, the Applicants will assume that there is a separate rejection of Claims 1, 2, 5, 7, 8, 12, 13, 17 – 19 and 22 based on JP '779.

However, the Applicants respectfully submit that JP '779 is also totally inapplicable. JP '779 discloses an animal protein-based powder and/or a cellulose-based powder contained within a film layer on a fabric. However, once again, JP '779 utterly fails to disclose a resin composition laminated onto a waterproof layer, wherein the resin composition comprises a resin and spherical particles. Careful scrutiny of the entire JP '779 text reveals that there is not one word concerning particles of any type, much less particles having an average particle size of 5 μm to 200 μm . Therefore, the Applicants respectfully submit that JP '779 is not applicable to those claims.

The Applicants acknowledge the rejection of Claims 3, 4, 6, 9, 10, 11, 14 – 16, 20 and 22 under 35 U.S.C. §103 over the hypothetical combination of GB '341 with Naka. The Applicants have already established above that Naka utterly fails to disclose, teach or suggest a resin composition comprising resin and spherical particles with an average particle size of 5 μm to 200 μm . GB '341 suffers the same deficiency. There is simply no disclosure concerning a resin composition laminated onto a waterproof layer wherein the resin composition comprises a resin and spherical particles. Like Naka, careful scrutiny of the GB '341 disclosure reveals that there is utterly no disclosure concerning spherical particles having an average particle size of 5 μm to 200 μm .

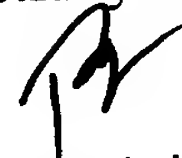
In the event that one of ordinary skill in the art were to improperly attempt to construe the polymer dots 12 of GB '341 that are adhered to the hydrophilic coating 14 as particles, the problem would still exist that such "particles", which are really polymer dots, would not be dispersed in a resin. Instead, they would simply be polymer dots applied onto freestanding polymer dots applied to the hydrophilic coating 14.

As a consequence of the utter failure of Naka and GB '341 to disclose, teach or suggest a resin composition comprising resin and spherical particles with an average particle size of 5 μm to 200 μm laminated onto a waterproof layer, the resulting hypothetical combination of GB '341 with Naka would still fail to teach or suggest the invention as recited in Claims 3, 4, 6, 9, 10, 11, 14 – 16, 20 and 22. Further modification would still be required after the hypothetical combination. A rejection under 35 U.S.C. §103 cannot stand when the individual references, even after combination with one another, still fail to teach or suggest the invention as recited in particular claims. The Applicants therefore respectfully request withdrawal of the 35 U.S.C. §103 rejection of Claims 3, 4, 6, 9, 10, 11, 14 – 16, 20 and 22.

The Official Action indicates that a certified copy of the priority document has not been received. We note that this Application is a §371 application. A copy of Form PCT/IB/304 is enclosed. Accordingly, no certified copy is needed.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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